

ADOT JPA File No.: 05-037
AG Contract No.: KR05-0953TRN
Amendment No. 1
Project No.: N/A
Project: Ironwood Exit
Section: US 60 Interchange
TRACS No.: H6615 01C / 01D
Budget Source Item No.: 75307 / 74605

**AMENDMENT NO. 1
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF APACHE JUNCTION

THIS AGREEMENT is entered into this date July 6, 2006, **Amendment No. 1** to JPA No. 05-037, A.G. Contract No.: KR05-0953TRN, filed with the Secretary of State under No. 27995, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF APACHE JUNCTION, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

Article I, Paragraph 4 is amended in full as follows:

4. The State and the City desire to participate in the design, construction and maintenance of landform graphics, constructed of decomposed granite, on all four quadrants of the US 60 interchange at Ironwood Exit, hereinafter referred to as the Project, **currently estimated at \$424,000.00**. The State will design and construct and the City will maintain the Project.

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

NO. 27995
Filed with the Secretary of State
Date Filed: 7/6/06
Janice K. Chambers
Secretary of State
By: [Signature]

II. SCOPE OF WORK

Article II, Paragraph 2. b., shall be amended in full as follows:

2. The City shall:

b. Be obligated to incur the cost increase of said work, due to unforeseen conditions or circumstances required by a change in the extent or Scope of Work called for by the City, in this Agreement; any such changes require the prior approval of the State.


EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written.

CITY OF APACHE JUNCTION

STATE OF ARIZONA

Department of Transportation

By 
DOUGLAS COLEMAN
Mayor

By 
CYNTHIA MILLS
Joint Project Administrator

ATTEST:

By 
KATHY CONNELLY
Clerk

JPA 05-037
Amendment No. 1

ATTORNEY APPROVAL FORM FOR THE CITY OF APACHE JUNCTION

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 20TH day of JUNE, 2006.



City Attorney



City of Apache Junction

Home of the Superstition Mountains

CERTIFICATE

I certify that I am the duly appointed, qualified, and acting City Clerk of the City of Apache Junction, Arizona; that as such, I have in my possession all of the minutes pertaining to any actions taken by the City Council of the City of Apache Junction, Arizona; that the attached is a true and correct copy of the motion regarding Amendment JPA 05-037, the Transportation Equity Act for 21st Century Ironwood Project Intergovernmental Agreement between the City of Apache Junction and the Arizona Department of Transportation, which was presented to the City Council on the 20th day of June, 2006, as it appears in my records.

Kathleen Connelly
Kathleen Connelly
City Clerk

June 20, 2006
Date

Councilmember Dietz MOVED
THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED; AND

THAT APPROVAL BE GIVEN FOR THE AGREEMENT BETWEEN THE CITY OF APACHE JUNCTION AND STANDARD INSURANCE COMPANY FOR TERM LIFE INSURANCE FOR AN ESTIMATED ANNUAL AMOUNT OF \$28,800 FOR THE PERIOD OF JULY 2006 THROUGH JUNE 2009, WITH THE OPTION TO RENEW IN ONE-YEAR INCREMENTS FOR THREE YEARS; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE AGREEMENT; AND

THAT RESOLUTION NO. 06-28, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR TRANSPORTATION ENHANCEMENT PROGRAM FOR STATE HIGHWAYS FUNDING THROUGH THE TRANSPORTATION EQUITY FOR THE 21ST CENTURY PROGRAM AND CERTIFYING THAT THE APPLICATION : (1) MEETS THE COMMUNITY'S IDENTIFIED TRANSPORTATION NEEDS; AND (2) IS NECESSARY FOR IMPLEMENTATION AND COMPLETION OF THE ACTIVITIES OUTLINED IN THE APPLICATION, BE APPROVED; AND

THAT APPROVAL BE GIVEN TO THE AMENDMENT OF JPA 05-037, THE TEA-21 IRONWOOD PROJECT INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF APACHE JUNCTION AND THE ARIZONA DEPARTMENT OF TRANSPORTATION; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE AMENDMENT PENDING APPROVAL AS TO FORM BY THE CITY ATTORNEY; AND

THAT APPROVAL BE GIVEN FOR THE CONTRACT BETWEEN THE CITY OF APACHE JUNCTION AND CORE CONSTRUCTION SERVICES OF ARIZONA, INC. FOR PRECONSTRUCTION SERVICES FOR THE LIBRARY EXPANSION PROJECT IN AN AMOUNT NOT TO EXCEED \$56,357 WHICH INCLUDES 10% FOR CONTINGENCIES; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE CONTRACT PENDING APPROVAL AS TO FORM BY THE CITY ATTORNEY; AND

THAT APPROVAL BE GIVEN FOR THE SETTLEMENT OF LOCAL GOVERNMENT INVESTMENT POOL LITIGATION WITH DEFENDANT PRICEWATERHOUSE COOPER, WHEREBY CITY WILL RECEIVE \$16,269.67, A PORTION OF THE TOTAL RECOVERY.

Councilmember Severs SECONDED

THE MOTION.

VOTE: Unanimous.

The motion carried.



TERRY GODDARD
Attorney General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

CIVIL DIVISION
TRANSPORTATION SECTION
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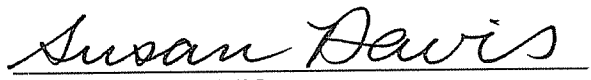
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR05-0953TRN (**JPA 05-037, Amendment No. 1**), an Agreement between public agencies, i.e., The State of Arizona and The City of Apache Junction, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: June 26, 2006

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:967010
Attachment